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## MINISTRY OF HOME AFFAIRS

### NOTIFICATION

*New Delhi-2, the 25th October 1956*

**S.R.O. 2473.**—The report of Shri V. Viswanathan, I.C.S., who was appointed by the Central Government as the authority to demarcate the boundary line between the States of Bihar and West Bengal in the Purnea District in pursuance of the provisions of Section 3(1)(a) of the Bihar and West Bengal (Transfer of Territories) Act, 1956, is hereby notified:—

### REPORT

FROM

Shri V. Viswanathan, I.C.S., Special Commissioner for Bihar-West Bengal boundary.

To

The Secretary to the Government of India, Ministry of Home Affairs, New Delhi.

*New Delhi, the 7th October 1956*

Sir,

I have the honour to submit my report on the demarcation of the boundary between Bihar and West Bengal in the Purnea district carried out by me as the authority appointed in this behalf by the Central Government under Section 3(1)(a) of the Bihar and West Bengal (Transfer of Territories) Act, 1956.

2. At the time of the partition of India in 1947, parts of the districts of Dinajpur and Jalpaiguri in the old province of Bengal were allotted to East Pakistan with the result that the new State of West Bengal was severed into two disparate physical parts. The main body of West Bengal which lies in the south has no physical contiguity with the three north-eastern districts of Darjeeling, Jalpaiguri and Cooch-Behar. Purnea which is the most north-easterly of the districts of Bihar, abuts on the boundary of East Pakistan, and interposes itself between the two parts of West Bengal. The line of communication by land between the two separate parts of West Bengal has to pass through the eastern fringe of the Purnea district through the Kishanganj sub-division. The Katihar-Siliguri meter gauge railway line along a part of which in the old days ran the Darjeeling Himalayan railway, has now assumed a new importance. The old Ganges-Darjeeling road running from the banks of the Ganges across the Kishanganj sub-division to Siliguri and Darjeeling has become the chief means of road communication between the two parts of West Bengal. To adapt this roadway to the new conditions, the minor road connecting Dalkola near the

Ganges-Darjeeling road to Karandighi and beyond has been connected with the sub-divisional headquarters of Raiganj in the West Dinajpur District. In the north, the old Ganges-Darjeeling road used to pass through that part of the Jalpaiguri district which is now included in East Pakistan. This has necessitated a new diversion from the police station of Chopra across the Mahananda at Chitalgatta to Bagdogra and Siliguri. This roadway from Raiganj via Karandighi, Dalkola, Kishanganj, Islampur, Chopra and across the Mahananda at Chitalgatta on to Siliguri has been declared to be a national highway. The cost of the maintenance and upkeep of this road is now borne by the Central Government though the West Bengal and Bihar Governments act as their agents.

3. For some years now, the West Bengal Government have been making strong plea for the transfer of the eastern parts of the Purnea district to West Bengal so that physical contiguity between the two parts of West Bengal may be established, and, further, so that at least the whole length of the national highway might lie entirely within the territories of West Bengal. The States Re-organisation Commission considered this claim of the West Bengal Government based not only on these two grounds but on several others and recommended:—

"Taking all relevant factors into consideration, we propose that,

- (1) the portion of the Kishanganj sub-division which is to the east of the river Mahananda, and
- (2) a portion of the Gopalpur revenue thana contiguous to the territory mentioned in (1) and extending down to the national highway in this thana should be transferred to West Bengal.

The actual delimitation of the new boundary will have to be settled after a detailed survey. The details of this transfer will have to be left, therefore, to the Government of India, acting in consultation with the State Governments concerned, but it should be ensured that control of the national highway in the Gopalpur revenue thana is vested in the Government of West Bengal."

4. It was, however, discovered soon after the publication of the report of the States Reorganisation Commission that their recommendations would neither establish contiguity between the two parts of West Bengal nor include the entire highway in the territories of West Bengal. As indicated above, the new alignment of the national highway in the north leaves the old Ganges-Darjeeling road at Chopra and crosses the Mahananda at Chitalgatta so as to avoid crossing a part of the Jalpaiguri district in East Pakistan. The States Reorganisation Commission's recommendation would not have included this part of the road or the territories adjoining it in West Bengal.

5. The matter was again considered afresh and it was decided that the new boundary line should be demarcated in the Gopalpur thana and the Kishanganj sub-division of the Purnea district entirely with reference to the national highway so that this highway and the areas through which it runs may be clearly transferred to West Bengal. An exception was made in respect of the Kishanganj town itself which was to remain in Bihar. Section 3 of the Bihar and West Bengal (Transfer of Territories) Act, 1956, which lays down the manner in which this boundary shall be demarcated, is reproduced below:—

3. (1) As from the appointed day, there shall be added to the State of West Bengal the territories which, on the 1st day of March, 1956, were comprised in—
  - (a) that portion of Kishanganj sub-division of Purnea district which lies to the east of the boundary line demarcated in accordance with the provisions of sub-section (2) by an authority appointed in this behalf by the Central Government and that portion of Gopalpur thana of the said district which lies to the east or north, as the case may be, of the said boundary line; and
  - (b) \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* and the said territories shall thereupon cease to form part of the State of Bihar.
- (2) The boundary line referred to in sub-section (1) shall be so demarcated as to be generally two hundred yards to the west of the highway in Purnea district connecting Dalkola, Kishanganj and Chopra with

Siliguri in Darjeeling district and two hundred yards to the south or south-west of the highway in Purnea district connecting Dalkola and Karandighi with Raiganj in West Dinajpur district:

Provided that the boundary line shall be so demarcated as not to cut across any village or town:

Provided further that from the point where the first-mentioned highway meets the southern boundary of Kishanganj municipality to the point where it leaves the northern boundary of that municipality the boundary line shall be the same as the boundary of that municipality on the east.

6. I was appointed by the Central Government as the authority for demarcating the boundary line referred to in clause (a) of sub-section (2) of Section 3 of the Bihar and West Bengal (Transfer of Territories) Act, 1956, by a Gazette of India notification No. 12/3/56-SRI, dated the 7th September, 1956. I was asked to undertake the work as soon as possible and to report to the Government of India by October 7, 1956, at the latest. The Government of Uttar Pradesh were kind enough to lend me the services of Shri B. S. Sharma, U.P.C.S., Additional District Magistrate, Bahraich and Shri Onkar Chandra Srivastava, Tehsildar, Sitapur, officers experienced in land revenue, survey and settlement work, to assist me in this task. The Government of India in the Ministry of Works, Housing & Supply also placed at my disposal the services of Shri C. Rama Rao, Executive Engineer of the Central Public Works Department. Our party arrived at Kishanganj in the afternoon of September 18, 1956, and established our camp at Kishanganj for the duration of the demarcation proceedings. The Government of Bihar deputed Shri T. P. Singh, I.C.S., Commissioner of the Bhagalpur Division, Shri R. S. Pande, I.A.S., Joint Development Commissioner and K. K. Mitra, I.A.S., Director of Land Records and Surveys to assist me. The Government of West Bengal similarly deputed Shri M. M. Sen, I.C.S., Director of Land Records and Surveys, Shri A. K. Sen Gupta, Deputy Director of Surveys and Shri B. N. Chatterjee, W.B.C.S., Assistant Director of Surveys.

7. The first and the most important question which I was called upon to determine was the meaning to be assigned to the word "village" used in the first proviso to sub-section (2) of Section 3 of the Act. This proviso lays down that the boundary shall not cut across any village or town. I encountered no town on the boundary except Kishanganj for which a separate provision has been made in the second proviso to Section 3(2). It remained, however, to decide what the expression "village" should be taken to mean. The Director of Land Records, West Bengal, strongly urged on behalf of his State Government that this term must be taken as it is defined in section 3 of the Bihar Tenancy Act, and therefore should be read as meaning a mauza or a revenue survey village. The officers of the Bihar Government, however, suggested that the term "village" should not be construed as a revenue mauza but only as an inhabited locality near the roadside and that the aim should be to demarcate the line approximately 200 yards from the road which would not interest any such inhabited settlements but skirt around them to include the entire habitation either in West Bengal or in Bihar. The Director of Land Records and Surveys, Bihar, put in a written request on behalf of the State Government asking that the interpretation sought to be put on the word "village" by the Government of West Bengal be not accepted. He urged that a village should be treated as only an inhabited locality. He suggested that the boundary should be approximately 200 yards from the road varying from 250 to 300 yards or 150 to 100 yards ensuring that no inhabited area of a village is cut into two by this boundary line. On behalf of the State Government he further represented that where the major portion of an inhabited area of a village fell within 200 yards, the boundary should be extended at the point so that the whole village went to West Bengal. Similarly, if only a small portion of the inhabited area of a village or town fell within the 200 yards line and the major portion fell outside it, the distance of 200 yards should be reduced and the whole of the inhabited part should be allowed to remain in Bihar. He drew attention to the debates in the Lok Sabha at the time of passing of the Bihar and West Bengal (Transfer of Territories) Act, 1956.

8. The Director of Land Records and Surveys, West Bengal, also submitted a note on behalf of his State Government in which he urged that the words "village and town" must be given their recognised meaning and suggested that there is nothing in the Act to justify the splitting up of a village into its inhabited and uninhabited parts. He pointed out that such splitting up would be in direct contravention of the mandatory provisions of the Act which enjoin that the entity of a village or a town must be preserved. He pointed out that the definition of a

village in the Bihar Tenancy Act is followed in interpreting all relevant statutes and notifications and that any departure in this particular instance would be unjustified.

9. I have given much anxious thought to this matter and have examined it very carefully both from the purely legal as well as from the larger administrative points of view. Section 3(10) of the Bihar Tenancy Act, 1885, as amended up-to-date, runs as follows:—

“‘Village’ means the area defined, surveyed and recorded as a distinct and separate village in—

- (a) the general land-revenue survey which has been made of the districts to which this Act extends, or
- (b) any survey made by the Government which may be adopted by notification in the Official Gazette as defining villages for the purposes of this clause in any specified area;

and, where a survey has not been made by, or under the authority of, the Government, such area as the Collector may, with the sanction of the Board of Revenue, by general or special order, declare to constitute a village.”

Section 3(10) of the Bengal Tenancy Act of 1885 runs as follows:—

“(10) ‘village’ means the area defined, surveyed and recorded as a distinct and separate village in—

- (a) the general land-revenue survey which has been made of the Province of Bengal, or
- (b) any survey made by the Government which may be adopted by notification in the Calcutta Gazette, as defining villages for the purposes of this clause in any specified area;

and, where a survey has not been made by, or under the authority of, the Government, such area as the Collector may, with the sanction of the Board of Revenue, by general or special order declare to constitute a village.”

Section 3(25) of the U.P. Zamindari Abolition and Land Reforms Act, 1950, runs as follows:—

“3(25) ‘village’ means any local area whether compact or otherwise recorded as a village in the revenue records of the district concerned and includes any area which the State Government may, by a general or special order published in the Gazette declare to be a village;”

In the absence of a definition of the word “village” in the Act, I have had to construe it in the general sense in which it is interpreted in the laws in force in Bihar and also in other parts of India. It is quite clear from the definitions quoted from the tenancy Acts of the different States that the word “village” practically everywhere in India and definitely in Bihar, means a clearly demarcated area which has been separately defined, surveyed and recorded as distinct and separate village at the general land revenue survey. This is what is generally known as the mauza in the terminology of the land revenue administration. It consists of a defined area of land including the cultivated area of a village as well as the inhabited sites. The law does not contemplate the division of the inhabited area from the land attached to the village whether cultivated or otherwise. In fact the lands of the village and the inhabited parts of it form one indivisible organic whole.

10. Unless special provision is made in any legal enactment, this definition of the village is accepted for other administrative purposes also. For example, the 1951 census report by the Registrar General of India says—

“the village in the administrative sense is the ‘mauza’—a settled area with defined boundaries for which village records have been prepared”.

The Bihar and Orissa Census Report of 1931 says—

“the census village in British territory at least is a mauza the boundaries of which have been demarcated in survey and settlement operations. It may contain one group of houses, or it may contain many; on the other hand, there are not a few mauzas which contain no houses at all. The village, therefore, is not a residential unit but a revenue unit”.

The census report of Bihar of 1921 says—

“in the British districts the census village is the mauza, i.e., the survey and settlement village which is a parcel of land with a defined boundaries which may contain one or more group of houses or even no houses at all”.

The Bihar and Orissa census report of 1911 says—

“the census village corresponded to the mauza in all the districts of Bihar and Orissa except Manbhum, Palamau and Hazaribagh..... The mauza, it may be explained, consists of a parcel of land, the boundaries of which was defined either by the survey over half a century ago or by later cadastral surveys”.

11. The Director of Land Records and Surveys, Bihar, has drawn my attention to Section 4 of the Village Chaukidari Act, 1870 (Bengal Act IV of 1870) which lays down that—

“the District Magistrate may, from time to time, by an order in writing under his hand, declare any local area or group of dwellings within the district of which he has charge, to be a village for the purposes of this Act”.

This clause itself shows that for all purposes in the State of Bihar the revenue survey village is generally accepted as the village. This particular section in the Village Chaukidari Act merely provides an exception for the limited purpose of the appointment of chaukidars. It permits the District Magistrate when there are two or three large *abadis* within a revenue mauza to appoint separate chaukidars for each of these separate *abadis*. Where no such order is made by the District Magistrate, the village adopted for the purposes of the Chaukidari Act is the revenue survey village and even when the District Magistrate separates one of the *abadis* of the village for the purposes of appointing a separate chaukidar, the separate treatment of that *abadi* is only for the purposes of the Chaukidari Act and not for other purposes. In fact, the Bihar officers were unable to show me any provision of law in force in their State which would justify putting on the term “village” any meaning other than that contained in Section 3(10) of the Bihar Tenancy Act. From the strictly legal point of view, therefore, the conclusion is inescapable that the revenue survey village, as defined in the Bihar Tenancy Act, must be taken as the village for the purposes of the present Act also.

12. There are even stronger grounds from the administrative point of view for treating the revenue mauza as the village for the purposes of this Act. As explained above, the revenue mauza is an indivisible organic unit of administration. All over India it is the ultimate unit of administration. In inter-state exchanges, it must, like the atom in chemistry, be the ultimate unit of interchange. There are no provincial or district boundaries anywhere in India which cut across existing revenue mauzas. Even at the partition of India between India and Pakistan, the fixation of border has generally been along mauza boundaries. In the scheme of the reorganisation of States which comes into force on November 1, 1956, there is no part of India where exchanges of areas between different States occur in terms of areas less than revenue mauzas as the ultimate units.

13. If we were to take the boundary line across revenue mauzas saving only inhabited sites, we would be forcibly disrupting the organic life of these villages. The lands in a mauza are usually cultivated by persons resident in the inhabited sites within that mauza. If the boundary line is taken across a mauza, several of the inhabitants of the *abadis* will find themselves in one State and their holdings in another State. Worse results will follow. The holding of a ryot in these parts, as elsewhere in India, consists of a number of small plots scattered all over the mauza. If a mauza is intersected by the State boundary, a large number of ryots will find that while their dwelling huts are in one State, their little holdings are divided into two parts lying in different States. They will have to deal with two different sets of village officials, revenue thana officials and sub-divisional officials. They will have to pay their land revenue in two different places.

14. The division of mauzas by the boundary line would also greatly disrupt the land records system in the boundary villages. Each of these villages will have to be divided into two new mauzas. The land records will have to be sorted out into two separate parts and even the cadastral survey plots will have to be

renumbered afresh. As it is, the transfer of the land records and other papers relating to the villages transferred from Bihar to West Bengal will be a process spread over a few months but if the land records have to be sub-divided and prepared afresh in the mauzas to be divided, the process may well be spread over several years.

15. Every administrative consideration is opposed to the partition of the revenue mauzas. From the legal point of view, there is no escape from the conclusion that the word "village" in the Act must be taken to mean the revenue mauza. In fact, to put any other construction upon the word "village" would, in my opinion, not be in accord with the Act of Parliament. In construing the exact sense of terms in the Act, we have to try to ascertain the meaning contained in the language of the statute. It would not be justifiable to go behind the statute itself to the Parliamentary debates in an attempt to find the meaning of terms.

16. I, therefore, finally decided that the demarcation must proceed on the basis that the term "village" shall mean the term as defined in Section 3(10) of the Bihar Tenancy Act, 1885, that is to say, a revenue mauza.

17. The Director of Land Records and Surveys, West Bengal, suggested next that wherever a mauza or a revenue survey village was intersected by a line drawn exactly 200 yards from the extreme edge of the highway on the Bihar side, the entire revenue mauza should be allotted to West Bengal. It was not possible to accept the suggestion that if a line drawn 200 yards from the outer limit of the highway cut across any mauza, the mauza must necessarily be allotted to West Bengal. The limit of 200 yards described in sub-section (2) of section 3 of the Act has been qualified in a most important way by the word "generally". It is true that the word "generally" occurs only in respect of the line to the west of the highways connecting Dalkola, Kishanganj and Chopra with Siliguri and not in the part relating to the highway connecting Dalkola and Karandighi with Raiganj. It would have been quite impracticable to adhere to any rigid distance of 200 yards for the boundary line even near the highway between Dalkola and Raiganj. I have taken the word "generally" as qualifying the distance of 200 yards of the boundary line along the entire length of the highway. If the eastern or northern boundaries of a mauza lay at some distance from the highway, even though less than 200 yards, the mauza was kept in Bihar and not allotted to West Bengal. This has brought the boundary line at one place to about 45 yards from the highway, at another to about 65 yards and at two other places to 100 to 150 yards. When, however, a mauza lay astride the highway, the boundary line had to be taken to the western or the southern boundary of the village to include the whole of it in West Bengal as otherwise a part of the highway would have lain in Bihar. At a number of places, particularly in the southern part of the highway between Dalkola and Raiganj, it was found that the alignment of the road ran exactly on the boundary line between two mauzas. In such cases where there was absolutely no margin at all between the highway and the limits of a mauza, the mauza touching the highway and lying on its west or south had to be included in West Bengal.

18. The West Bengal officers also urged that the distance of 200 yards mentioned in the Act should be measured from extreme edge of all the lands pertaining to the roadway on the Bihar side as that alone would be in conformity with the definition of a highway under the law. As the word "generally" in Section 3(2) of the Act gave a certain elasticity to the distance of 200 yards, the question whether the distance of the boundary line should be measured from the middle of the highway or from the extreme edge never arose as a practical problem. The width of the highway varies between 100 and 130 feet and the distance involved in the point made by the West Bengal Government would never exceed 20 to 30 yards. As in each case we had to examine whether a particular mauza as a whole should lie in West Bengal or Bihar, the question of such narrow distances never arose in practice, and it was not necessary for me to answer this question at any stage.

19. I explained to the Directors of Land Records of both the States that it was not necessary for any boundary pillars or other marks to be fixed along the line of demarcation. There are no boundary marks fixed on the borders of any two States in India or any two districts within a State. The line of demarcation which I have fixed runs along the boundaries of mauzas which are clearly defined both on the ground as well as on the cadastral survey maps. From the further details that I shall give either in the body of this report or in the appendices, it should be quite simple for any revenue officer to ascertain the exact boundary line. The officers of the West Bengal and Bihar State Governments agreed with this.

20. Accompanied by the officers of the two State Governments, I moved along the entire length of the national highway in the Purnea District—a length of about 85 miles. As I went along, I carefully checked up the cadastral survey maps of the mauzas lying astride and on either side of the highway. The cadastral survey maps on which I had mainly to reply were prepared in the last cadastral survey of the Purnea District between the years 1901-05. The Kishanganj sub-division is at present under survey and settlement and fresh maps of many of the villages have been prepared. Only the original traces of these maps are now ready and no copies are yet available. In any case, until the survey is completed and all the prescribed procedure has been gone through and the maps and the records finally published, these maps cannot be regarded as the authoritative and official maps of the villages. The maps prepared in 1901-05 are still the official maps of these villages. In any event, there has been no change in the boundaries of any of the mauzas in this area as between 1901 and 1956. There have been some changes in the alignment of the road between Raiganj to Dalkola and from Dalkola to Kishanganj. The changes in the alignment were carefully checked up with reference to the old villages maps. For a recheck of these changes in alignments, the new survey maps were extremely useful as though they are not yet official or authoritative, they represent the results of very careful and accurate survey. These new drawings of village maps were particularly useful in checking up on the alignments of the new road from Chopra to Chitalgatta and to the West Bengal border near Siliguri. In addition to this, the officers of the West Bengal Government also produced sheets of the Public Works Department indicating the lands acquired for the highway through the different villages. Similar sheets of the Public Works Department, Bihar, were not immediately available though they were produced at a late stage. These provided very useful aids in the work of demarcation.

21. After a careful check of these maps on the spot, it was decided in each instance whether a particular mauza would remain in Bihar or West Bengal. Several cases were found in which the lands of a mauza lie in two or three disparate parts. Yet again cases were found where a mauza though contiguous and with compact units has two or three parts, all with the same name and revenue thana numbers. In such cases it was convenient to separate one or more blocks from the total number of blocks for allotment to either State.

22. Three main principles were kept in view in finally demarcating the line:—

- (a) that the entire national highway must in any case go into West Bengal;
- (b) that some area to the south and west of the highway should also go with it to West Bengal so that the boundary line nowhere intersects or touches the road itself; and
- (c) that subject to these considerations, the minimum area from Bihar is transferred to West Bengal.

The intention behind the Act was to include the entire highway within the territories of West Bengal. Section 3(1)(a) of the Act, however, permits of the transfer to West Bengal of areas in the Purnea district only from the Kishanganj sub-division and the Gopalpur revenue thana. The small scale maps show the highway to run only through these areas but on detailed inspection it was found that the road actually passes through village Choncha in revenue thana Amaur in the Sadar sub-division of the Purnea district. The provisions of the Act, however, do not permit the transfer of any area from the Sadar sub-division of the Purnea district to West Bengal. The entire village of Choncha including the portion of highway which passes through this village over a distance of about one and a half miles, will, therefore, continue to remain in Bihar. The boundary between the two States in this area, will accordingly be the eastern limit of village Choncha. The West Bengal authorities will of course have full freedom to use the part of the national highway which passes through this village. If, however, they choose to do so, they may make a slight variation in the alignment of the highway at this place so as to by-pass this mauza.

23. A list of villages (revenue mauzas) in the Purnea district transferred to West Bengal which abut on the new Bihar border is given in Appendix I. A list of villages (revenue mauzas) in the Purnea district, Bihar, which abut on the West Bengal border is given in Appendix II. These two lists by themselves completely define the new boundary line as this line has only to be taken along the common boundary of villages on the opposite sides in the two States.

24. A map showing the national highway and the boundary line as demarcated through the Gopalpur revenue thana of the Katihar sub-division and the Kishanganj and Islampur revenue thanas of the Kishanganj sub-division is also attached. The map is on the scale of one inch to one mile and has had to be divided into four separate sheets in order to make it handy and manageable for the purposes of this report. It indicates with a fair degree of precision the line of demarcation as drawn and the villages along the edge of which it passes.

25. The scheme of the Act is that the town of Kishanganj and the entire municipal area in which it lies should continue to remain in Bihar. The line of demarcation to be followed around the municipal limits of Kishanganj is described in the second proviso to Section 3(2) of the Act as follows:—

"Provided further that from the point where the first-mentioned highway meets the southern boundary of Kishanganj municipality to the point where it leaves the northern boundary of that municipality, the boundary line shall be the same as the boundary of that municipality on the east."

26. At first sight it would appear that this should present no difficulty. It would be a simple matter to bring the line of demarcation along the west of the highway south of Kishanganj town and start off from the point where it intersects the municipal boundaries and follow the municipal boundary to the south and east and again in the north until it intersects the highway and meets the next line of mauza boundaries to be followed in the north. In actual fact, however, the difficulties of ascertaining the boundaries of the Kishanganj municipality were even greater than drawing the boundary line between the two States across the rural areas.

27. The area of the Kishanganj municipality was surveyed in 1928 by Shri K. P. Sinha, J.C.S., Joint Magistrate of the sub-division who was specially appointed for the purpose. Shri Sinha says in his report:—

"During boundary survey, it was found that the municipal authorities themselves had a vague idea regarding the actual municipal boundary....."

"During the present operation, it was found that the municipality was claiming some land beyond the municipal limit without any authority....."

"The municipal agents appear to have a very poor knowledge of the lands actually belonging to and invested in the municipality....."

28. In order to ascertain the exact boundaries of the municipality of Kishanganj, I consulted the Chairman of the Municipal Board, Shri Chanchal Prasad and also the ex-Chairman, Shri Bulaki Lal Ram Das. Most of the senior officers of the municipality were away either because they had resigned and left their posts or because they had gone away on leave. The Municipal Chairman had only the vaguest ideas of the limits of the municipality and I could not get much useful assistance from municipal authorities in demarcating the municipal boundaries.

29. Kishanganj was created into a municipality in 1868. The earlier notification of the Provincial Governments defining the limits of the municipal area are not traceable. The oldest notification which could be found was No. 2066-M, dated the 23rd December, 1908, which however defines the boundaries of the various wards for the purposes of the election of municipal commissioners. In Appendix III is given Notification No. 1422-M, dated the 29th June, 1912, issued by the Government of Bihar by virtue of which the municipal boundaries were enlarged and the new boundaries defined. A corrigendum to this notification was issued in Notification No. 17559-LSG, dated the 29th November, 1949, published in the Bihar Gazette of December 7, 1949. This is also given in Appendix III.

30. There was a great deal of discussion between the officers of the Bihar and West Bengal Governments with regard to the exact implications of these notifications. These notifications are in part vague, but after many hours devoted to the consideration of the notifications, I was able to construe what I thought was the meaning and purport of these orders of the Provincial Government and where exactly the boundary would lie.

31. The notification of 1912 consists of two paragraphs. The first paragraph says—

"the Lieutenant-Governor is pleased to include within the Kishanganj municipality in the district of Purnea a local area which is contiguous to that municipality and the boundaries of which are as follows .."

The paragraph concludes by defining certain boundaries on the north, east, south and west. The second paragraph says:

"the boundaries of the Kishanganj municipality after the inclusion of the said area are as follows"

and then defines the boundaries of the municipality on all the four sides. There was some difficulty in ascertaining the exact significance of the boundaries mentioned in the first paragraphs but the only meaning which can be assigned to this part of the notification is that it defines the outer limits of the areas actually included within the municipality by this notification. The second paragraph then defines the boundaries of the municipality as constituted after this expansion. The places mentioned in the second paragraph are, therefore, areas lying outside the municipal limits. There are some glaring errors in the description as, for example, where the Lain and Phulbari mauzas are described to be on the east and the south. The corrigendum issued in 1949 amends the entries in the first paragraph of the notification of 1912 in respect of east and the south. This corrigendum does not give the outer boundaries as in the second paragraph of the 1912 notification. The 1949 notification must, therefore, be taken to mean that in so far as at least the areas included in the 1912 notification are concerned, they stand amended though what the outer boundaries may be after such notification have not been clearly specified. On this basis, I decided that while the mauza of Kharga should remain in the municipality and therefore in Bihar, the southern limits of the municipality should be the mauzas of Belan, Singhari, Rampur and Chandpur. The cattle fair ground in Machmara and the airstrip in mauza Pothiadhekabheja would remain in the Kishanganj municipality. The village of Hasanpur would also remain in the municipality except for a very tiny part on the right of the river Sudhanu. From here the river Sudhanu forms the eastern boundary of the municipality but the mauza of Majhia must under the 1949 notification be taken to be included in the municipality. Similarly, the village of Faringora on the north-east of the highway would be included in the municipality. The municipal boundary would cross the highway along the northern boundary of Faringora and pick up the main boundary line on the west of the road at the tri-junction of Balichuka Pachhim, Faringora and Taisa.

32. The Government of West Bengal have entered an objection to this delimitation of the municipal boundaries. They feel that considerably larger areas than that strictly included within the municipal limits have been allotted to Bihar. They urged that the notification of 1949 should not be taken to mean that any further addition to the municipal area was made in that year. I have drawn no such conclusion, but the fact of the amendment of 1949 is there whether it has added to the areas or merely redefined the areas fixed in 1912; but in view of the explanation given in the preceding paragraph, I have taken that the areas mentioned in paragraph 1 in the 1912 notification and amended by the 1949 notification are to be treated as areas within the municipality. The second objection of the West Bengal Government is that the area now allotted to the municipality is far in excess of that over which the municipal authorities exercise effective administrative jurisdiction. This may well be so that but usually notifications defining municipal boundaries assign to these local bodies areas slightly in excess of the truly urbanised limits. This prevents persons from building houses or carrying on new occupation just outside the municipal limits to evade taxes; and, secondly, the urban area of a municipality has to have a margin of area round it for further expansion of the needs of the town. The process of urbanisation is going on at a very rapid rate throughout India and all municipal towns require the inclusion of such marginal areas for further expansion. The area now included in the environs of Kishanganj, Bihar, would provide just that necessary elbow room to the municipality for future growth.

33. The demarcation of the municipal limits in this manner has also, as stated above, included the area in the Machmara village in which the annual cattle fair is held. This is regarded by all the inhabitants as an integral part of Kishanganj town and the exclusion of this area would have caused great difficulties in the holding of this rather important annual fair in this sub-division. It is also fortunate for the Kishanganj town that the minor airfield situated in mauza Pothiadhekabheja has also been included in the municipal limits.

34. A more exact description of the inter-State boundary as it runs along the municipal limits of Kishanganj is given in Appendix IV.

35. The following statement shows the area and the population of the Purnea District transferred to West Bengal:—

*Statement showing the area and population to be transferred to West Bengal as a result of demarcation.*

Sl. No.	Name of Revenue Thana	Name of Police Station	Number of Villages	Area (in square miles)	Population (1951 Census)
1	2	3	4	5	6
1	Islampur	{ Thakurganj Chopra Islampur	12	58	14,357
			129	158	52,949
			123	139	59,652
2	Kishanganj	{ Kishanganj Goal Pokhar	285	180	66,810
			95	73	36,028
3	Gopalpur	Karandighi	269	151	47,492
		TOTAL	913	759	2,77,288

It will be seen that this demarcation would lead to the transfer of 759 square miles of area comprising 913 villages. The population transferred from Bihar to West Bengal is 8,77,288. The area to the south and the west of the road, that is to say, on the Bihar side of the highway transferred to West Bengal is 29 sq. miles in Gopalpur and Kishanganj Revenues thanas and 41 sq. miles in thana Islampur, making a total of 70 sq. miles. The area to the west of the road is considerable only in thana Islampur. This is because of the inclusion of certain large mauzas in West Bengal near the diversion of the road from Chopra and near the Mahananda and some large villages containing tea estates far in the north on the borders of the Siliguri sub-division.

36. In conclusion, I have to express my thanks to the Government of Bihar for their kindness in affording me the necessary facilities at my camp at Kishanganj and to the officers deputed by that State Government and to the Director and Deputy Director of Land Records, West Bengal, for all the assistance they gave me in carrying out this work. I have particularly to thank Shri Basudeo Sahay Sharma and Shri Onkar Chandra Srivastava, officers of the U.P. Government who were deputed to assist me and Shri C. Rama Rao of the Central Public Works Department.

Yours faithfully,  
V. VISHWANATHAN,  
Special Commissioner for Bihar.  
and West Bengal boundary.

## APPENDIX I

*List of Villages (Revenue Mauzas) in the Purnea district transferred to West Bengal which abut on the new Bihar Border.*

Serial No.	Name of Village	Revenue Thana	Revenue Thana Number
1	Bilaspur	Gopalpur	491
2	Balia	"	490
3	Jhabra Dangi	"	488
4	Nakol	"	224
5	Altapur	"	226
6	Machail	"	480
7	Koitore	"	433
8	Jujharpur	"	282
9	Baijuwar	"	284
10	Sadhanpur	"	297
11	Tunibhita	"	300
12	Pachloha	"	302
13	Dalmadah	"	303
14	Salampur	"	306
15	Bhatwar	"	324
16	Dhanpara	"	308
17	Maheshbathna	"	309
18	Pandepur	"	315
19	Sohar	"	267
20	Raniganj	"	266
21	Bagela	"	82
22	Maheshpur	"	83
23	Muhammadpur	"	68
24	Haripur	"	64
25	Mithapur	"	63
26	Dalkola	"	34
27	Matiali	"	32
28	Sarsar	"	31
29	Nichotpur	"	15
30	Kasiadatan	Kishanganj	251
31	Maharan	"	235
32	Jiwanpur	"	233
33	Dumaria	"	239
34	Saidpur	"	232
35	Asuragarh Istemrur	"	240
36	Sikar	"	219
37	Madhusikar	"	230
38	Sahaspur Milik	"	229
39	Deogaon	"	224
40	Nayanagar	"	185
41	Matiali	"	188
42	Suhia	"	182
43	Suhia Khurd (alias Suhia Sani)	"	164
44	Lahil	"	166
45	Hatwar	"	167
46	Belan	"	169
47	Rampur	"	145
48	Chapur	"	178
49	Kamarsal	"	177
50	Lohakanchi	"	126
51	Small part of Hasanpur lying on the left of the Sudhanu river		
52	Patna (part of it lying on the left bank of the Sudhanu river)		
53	Bawari	Kishanganj	118
54	Goharrah	"	119
55	Churakuti	"	115
56	Majlispur	"	112
57	Malduar	"	113

Serial No.	Name of Village	Revenue Thana	Revenue Thana Number
58	Balichuka Pachhim	Kishanganj	38
59	Ghordhappa	„	36
60	Bhotar	„	39
61	Panjipara	„	40
62	Teliapokhar	„	15
63	Deoma	„	14
64	Sarnabari	„	42
65	Gaisal	Islampur	12
66	Dhantola	„	<u>12</u>
67	Gunjaria	„	142
68	Chhattis	„	143
69	Aliganj	„	146
70	Barhat	„	256
71	Chapra Jhar	„	286
72	Islampur	„	289
73	Iluabari	„	341
74	Dohso	„	346
75	Kulthar	„	<u>1</u>
76	Manikpur	„	<u>335</u>
77	Phulehra	„	<u>305</u>
78	Dalua	„	<u>1</u>
79	Bhagwati	„	<u>214</u>
80	Bhagpalpur	„	167
81	Bhoi amari	„	166
82	Jiakhori	„	94
83	Jiakhori Gachh	„	95
84	Chitalghatta	„	79
85	Dhakpara	„	393
NOTE.—There are three mauzas of the name of Dhakpara. One is numbered 382 which is allotted to Bihar. The other is numbered 394 and is in three parts. All the parts of mauza 394 are allotted to Bihar. The third Dhakpara is number 393 and consists of two parts. Only one part to the extreme east, number 393, which is intersected by the highway is allotted to West Bengal. The other part, number 393, is allotted to Bihar.			
86	Lahugaon	Islampur	392
87	Mandilajhar	„	385
88	Madati	„	385

## APPENDIX II

*List of Villages (Revenue Mauzas) in the Purnea district Bihar which abut on the New West Bengal Border.*

Serial No.	Name of Village	Revenue Thana	Revenue Thana Number
1	Kotara	Gopalpur	492
2	Manikpur	„	487
3	Biswaspur	„	486
4	Basdebpur	„	485
5	Nazirbari	„	484

Serial No.	Name of village	Revenue Thana	Revenue Thana Number
6	Bijpura	Gopalpur	481
7	Sohar	"	479
8	Baidol	"	434
9	Balrampur	"	432
10	Bishunpur	"	283
11	Jajan	"	285
12	Rampur	"	295
13	Thakurbari	"	296
14	Achran	"	301
15	Lalpur	"	294
16	Baghar	"	293
17	Baisbighi	"	292
18	Ajgaha	"	373
19	Kansoi	"	372
20	Dullahpur	"	352
21	Thutipakar	"	356
22	Baliaabagh	"	327
23	Dhaltar	"	353
24	Gosainpur	"	325
25	Sadipur	"	326
26	Balia Bhag	"	323
27	Kamat	"	322
28	Bhatwar Bavor	"	321
29	Birnagar	"	320
30	Sohar Milik	"	317
31	Sharifnagar	"	53/1
32	Pandaul	"	77
33	Haldia Gachh	"	78
34	Mohan Gachh	"	79
35	Baldia Gachh	"	80
36	Porabari	"	81
37	Hartara	"	73
38	Pharsara	"	72
39	Tarapur	"	70
40	Barhat Kamat	"	69
41	Milikpur	"	61
42	Matian	"	43
43	Kirora	"	38
44	Dhokria Kol	"	35
45	Matiari Milik	"	36
46	Salcmpur	Amaur	37
47	Choncha	"	399
48	Ganghar	"	398
49	Basta Dang	Kishanganj	250
50	Jia Gachhi	"	234
51	Pichhla	"	249
52	Mohammadpur Bhagal	"	231
53	Barchuna	"	223
54	Babhantoli	"	222
55	Sonapur	Amaur	22
56	Barao	Kishanganj	184
57	Janainjai	"	189
58	Lalbari	"	183
59	Titiba	Amaur	28
60	Balia	Kishanganj	159
61	Dauja	"	161
62	Mehengaon Milik	"	158
63	Khirdah Samda	"	149
64	Singhari	"	150
65	Khagra	"	144

Serial No.	Name of Village	Revenue Thana	Revenue Thana Number
66	Pothiadhekabheja	Kishanganj	128
67	Hasanpur (except the small part on the left of the Sudhanu river)	,,	125
68	Patua (only the part on the right of the Sudhanu river)	,,	117
69	Juljuli	,,	124
70	Majhia	,,	116
71	Sundarain	,,	110
72	Faringora	,,	100
73	Taisa	,,	12
74	Bairgachhi	,,	1
75	Gachhipara	,,	21
76	Chaudni	,,	18
77	Salkhamhar	,,	22
78	Piakunri	,,	17
79	Goaloli	,,	16
80	Singhia	,,	11
81	Panisal	,,	12
82	Meda	,,	13
83	Bisani	Islampur	25
84	Bagalbari	,,	28
85	Dhekipara	,,	125
86	Mohania	,,	126
87	Ratampur	,,	145
88	Panasi	,,	144
89	Lohagara	,,	147
90	Sitalpur	,,	148
91	Gobinda	,,	254
92	Kalakachu	,,	253
93	Naribasar	,,	255
94	Udgara	,,	252
95	Halda	,,	290
96	Charkhakati	,,	291
97	Phatipokhar	,,	336
98	Panasi	,,	297
99	Bhatkunda	,,	2
			298
			1

Note : Bhatkunda is in four parts

The two pieces numbered  $\frac{298}{2}$  each

are allotted to Bihar. Of the other two parts num-

bered  $\frac{298}{2}$  each, the northern block is allotted to Bihar

and the southern block to West Bengal.

100	Panasi	Islampur	297
101	Gangnati	,,	1
102	Phulchhra	,,	293
103	Phulchhra Gachh	,,	1
104	Jogihari	,,	302
		,,	244
		,,	235
		,,	2
105	Kalidas Kismat	,,	303
		,,	1
106	Phulchhra Milik	,,	304
107	Kalidas Arazi Kismat	,,	303
		,,	2
108	Kalidas	,,	

Serial No.	Name of Village	Revenue Thana	Revenue Thana, Number
109	Jagirgachh	Islampur	2362 1
110	Gorukhal	"	237
111	Mangur Jan	"	236 2
112	Pakamolina	"	162
113	Pakamolina	"	163
114	Musaldanga	"	164
115	Andabari	"	165
116	Tarni	"	97
117	Thekalbari	"	98
118	Sonapur	"	96
119	Dubanochi	"	78
120	Dhakpara	"	394
	(See note on Serial No. 84 in the West Bengal list.)		
121	Dhakpara	"	393
122	Dhakpara	"	394
123	Lahugao Arazi	"	396
124	Hulhuli	"	397
125	Parharia	"	404
126	Lat Kukurbaghi	"	384
127	Kukurbaghi	"	381
128	Kukurbaghi Milik	"	383
129	Kukurbaghi	"	378
130	Chakchaki	"	386

## APPENDIX III

Notification No. 1422-M, dated the 29th June 1912, from the Final Report on the Survey of Kishanganj Municipality in the District of Purnea, 1928-30, by Sri K. P. Sinha, I.C.S.

In exercise of the power conferred by sub-section (2) of section 9-A of the Bengal Municipal Act, 1884 (Bengal Act III of 1884), the Lieutenant-Governor is pleased to include within the Kishanganj Municipality in the district of Purnea a local area which is contiguous to that municipality and the boundaries of which are as follows:—

North—Cultivated land or Phulbari and Pirani Mauzas and Jhukti Phulbari Busti.

East—Municipal road and cultivated land of Line and Phulbari Mauzas.

South—Cultivated land of Line and Phulbari Mauzas.

West—Road to Khagra, and the cultivated land of Phulbari Mauzas and Phulbari Busti.

2. The boundaries of the Kishanganj Municipality after the inclusion of the said area are as follows:—

North—Pirani and Ghoramara and the cultivated land of Pirani and Phulbari Mauzas and Jukti and Phulbari Busti.

East—Machmara village and river Sudhanu and Foringura, the cultivated land of Line and Phulbari Mauzas.

South—Rampur and Bilatibari and the cultivated land of Mauzas Line and Phulbari.

West—The old Darjeeling kucha road, Kadamrasul and roads to Khagra, and the cultivated lands of Phulbari Mauzas and Phulbari Busti.

L. J. KHERSHAW,

Secretary to the Government of Bihar and Orissa.

Bihar Gazette, dated December 7, 1949.

Part II, page 1812.

#### ERRATUM

The 29th November, 1949.

**No. 17559-L. S.-G.**—In paragraph 1 of the Financial and Municipal Department notification No. 1422-M, dated the 29th June 1912, published in part II, page 267, of the Bihar and Orissa Gazette, dated the 3rd July 1912—

For "East—Municipal Road and cultivated land of Line and Phulbari mauzas,  
South—Cultivated land of Line and Phulbari mauzas,"

Read "East—River Sudhanu and Faringora,  
South—Machmara, river Sudhanu and Majhia."

#### APPENDIX IV

*Boundary Line as demarcated in terms of the second proviso to sub-section (2) of section 3 of the Bihar and West Bengal (transfer of territories) Act, 1956.*

This part of the boundary shall start at the tri-junction of Belan, Khagra and Khirdah Samda. From this point it shall follow the boundary between Belan and Khagra until it meets the tri-junction of Belan, Khagra and Singhari. It shall then follow the boundary between Singhari and Belan until it meets the tri-junction of mauzas Belan, Singhari and Rampur. Then it shall follow the boundary line between the mauzas of Singhari and Rampur north-eastwards and then follow the boundary line between Khagra and Rampur until it meets the tri-junction of Khagra, Rampur and Pothiadhekabheja. Then it shall follow the boundary between Rampur and Pothiadhekabheja southwards until it meets the tri-junction of Rampur, Belan and Pothiadhekabheja. Then it shall follow the boundary between Pothiadhekabheja and Belan until it meets the tri-junction between Belan, Pothiadhekabheja and Chandpur. Then it shall follow the boundary between Pothiadhekabheja and Chandpur till it meets the tri-junction of Pothiadhekabheja, Chandpur and Peeplathora *alias* Kamarsal (thana No. 177). Then it shall follow the boundary between Pothiadhekabheja Kamarsal (thana No. 177) until it meets the tri-junction of Hasanpur, Pothiadhekabheja and Kamarsal. Then it shall follow the boundary between Kamarsal and Hasanpur until it meets the tri-junction of Hasanpur, Kamarsal and Lohakanchi. Then it shall follow the boundary between Hasanpur and Lohakanchi until it meets the tri-junction of Hasanpur, Lohakanchi and Patua. It shall then follow the course of the Sudhanu river leaving a very small portion of mauza Hasanpur in West Bengal. It shall continue to follow the course of the Sudhanu river through mauza Patua leaving the bulk of the village Patua in West Bengal, and a small portion on the right of the bank of the river in Bihar. From where the river Sudhanu leaves mauza Patua, the boundary shall continue to follow the same river until it reaches the boundary of mauza Majhia. Then it shall follow the boundary between mauza Majhia and Patua, then mauza Majhia and Banwari then mauza Majhia and Goharrah, then mauza Majhia and Churakuti, then mauza Majhia and Majlispur and then mauza Majhia in Bihar and the other mentioned villages in West Bengal. Then from the point where the northern boundary of Majhia meets the river Sudhanu, the line shall follow the river Sudhanu so as to include mauza Sundarain and Faring Gora in Bihar and Malduar and Majlispur in West Bengal. From where the boundary of Faring Gora in the north leaves the river Sudhanu, it shall follow the boundary between Faring Gora and Balichuka Pachhim until it crosses the ganges-Darjeeling road (the national highway) and until it meets the tri-junction point of Faring Gora, Balichuka Pachhim and Talsa.

2. Wherever the river Sudhanu has been described as the boundary between Bihar and West Bengal, the whole of the river shall lie in Bihar.

[No. 3/1/56-SR.III.]

HARI SHARMA, Jt. Secy.